

APPROVED: Meeting No. 5-91

ATTEST:



MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 3-91

January 28, 1991

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on January 28, 1991, at 7:35 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember James F. Coyle

Councilmember Viola D. Hovsepien

Councilmember James T. Marrinan

Councilmember David Robbins

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and Assistant City Attorney Sondra Block.

Re: City Manager's Report

1. As a result of comments made at the public hearing last week on the proposed Animal Control Ordinance, the Mayor and Council established a working group of citizens and professionals to review the proposed revisions and report back to the Mayor and Council. The members of the working group are: Cora Alter, Linda Buel, Dr. David Dzanis, Dr. Charles Schade, Amy Vachon and Kathryn Vengazo; ex-officio members are Dorothy Perreca of the Animal Control Board and Chief Treschuk. The group will begin their work this week and are encouraged to set an ambitious timetable.

2. With respect to the proposed sidewalk along Jefferson Street in the vicinity of Ring House, further progress was reported last week. The City is vigorously pursuing this issue with the County, and the County has begun to accept some responsibility for this project. It appears that these efforts will result in the

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construction of a sidewalk which will be cost effective. The City will contact the four or five property owners directly affected by this project within the next week to tell them of the City's plans and to seek their input.

Mayor Duncan pointed out the new artwork in the Council Chamber and stated that immediately preceding the meeting there had been a dedication of the art quilts of the Spirit of Rockville series by Sue Pierce. The three quilts are a tremendous addition to the Council Chamber and represent three scenes of Rockville, the center being the old Rockville train station, and the side pieces representing architectural elements from the Red Brick Courthouse and the old Rockville Fire Station window which is now a part of City Hall. Mayor Duncan expressed his appreciation to Ms. Pierce for her fine work.

Re: Presentation of Certificates of Recognition to the following members of Thomas S. Wootton High School Football Team, 1990 State AAAA runner-up:

The Mayor and Council presented Certificates of Recognition to Coach Bob Hampton and the following members of Thomas S. Wootton High School Football Team, 1990 State AAAA runner-up: Chris DeSana, Messay Hailermariam, Ryan Kuhl, Mike Mehok, Geoff Pearce, Jon Ridgway, Shawn Thomas and Leo Vieira. Other members of the team who were not present at the meeting are:

Darren Astran	Aaron Bazar	Jon Bernstein
Chris Burgess	Keith Cupples	Todd DeHart
Alan Dinerman	Marlon Evans	Bill Flint
Brandon Fogel	Cyrus Ghaznavi	Cornelius Hayes
Kyle Horlacher	Rodrigo Ibacache	Doug Karczewski
Charles Kim	Tony Kim	Garrett Kitt
Ryan Kuhl	Dan Lange	Jason Lee
Mike Liberti	Tom Lori	Jeff Lysak
Matt McGrath	Darrell McGraw	Oren Molovinsky
Jared Pratt	Bobby Ravid	Ed Reilly
Jeff Roberge	David Schugar	Gregg Schwartz
Mike Smith		

Managers:

Matt Bianchi	Jeff Little	Ed Mar
Ram Parkhie	Ben Scholl	

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Re: Citizens' Forum

At this time, the Mayor opened the meeting to hear from any citizen who wished to address the Mayor and Council.

1. Joseph Whalen, President, Rockville Chamber of Commerce, referenced the tag banner program which is on the agenda for review, indicating that the Chamber feels it is a very positive program with 30 businesses involved. It represents a good team effort between the City and the Chamber; however, there appears to be a misunderstanding regarding the term of the pilot program which the City believed to be one year and the Chamber three years. Mr. Whalen stated that this is a good program which should be continued.

2. Judy Doctor, 6 Tegner Court, voiced opposition to the tag banners which she considers to be advertisements and inappropriate for placement on the City light poles.

3. Gordon Whitt, Maryland Natural Gas, commented that he looks forward to the continuation of the tag banner program and that his organization participated with the assumption that the program would be for three years.

4. Ruth Hanessian, Animal Exchange, commented on her participation in the tag banner program and her understanding that the fee paid by the businesses was for a three-year period.

There being no other citizens wishing to be heard, the Mayor closed the Citizens' Forum portion of the meeting.

Re: Appointments

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, David Melnick was appointed to the Board of Appeals as a temporary alternate for hearing of Application No. A-435-90.

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Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Judy Greenberg was reappointed to a two-year term on the Cultural Arts Commission.

Councilmember Coyle expressed his appreciation to Mrs. Greenberg for her role in the Rockville Arts Place.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, James Farrell and Helen Hillstrom were appointed to two-year terms on the Economic Development Council.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Dean Brenneman was appointed to a three-year term on the Historic District Commission.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, B. Mayo Robertson was appointed to a four-year term on the Human Rights Commission.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Kathleen Joyce was appointed to a three-year term on the Science and Technology Commission.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Leo Stein was reappointed to a three-year term on the Sign Review Board.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the following individuals were appointed to the West End Traffic Management Advisory Group: Mary Abert; Pamela Baxter; Charles Brault; Noreen Bryan; Dennis Cain; Walter Davis; Bridgett Donnell-Newton; Sherry Dionne; Garry Elliott; William Forehand; Lawrence Gaddis; Herman Hartman; Glennon Harrison; Chris Heiser; Mary Lee Kraft; Dr. John Law; Donna Lipscomb; John Meekin; Craig Moloney; Laurie Moloney; Marleen Nienhuis; Jeff Perkins; Ted Ricketts; Margaret Sante; Charles Schade; Sharren Sears; Marvin Smith; Lynn Wagman and Paul Williams.

Mayor Duncan referenced the formation of a working group to review the Animal Control Ordinance as mentioned earlier in the City Manager's Report. Councilmember Coyle

commented as to how fortunate the City is to have so many individuals willing to volunteer their time to serve on the various boards and commissions.

Re: Approval of Minutes

Upon motion of Councilmember Hovsepien, duly seconded and unanimously passed, the minutes of Meeting No. 1-91 (January 14, 1991) were approved, as written.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the minutes of Meeting No. 2-91 (January 22, 1991) were approved, as written.

Re: Consent Agenda

Councilmember Hovsepien requested that Item E be removed from the Consent Agenda. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the following Consent Agenda Items were approved:

- A. Award of Bid No. 59-91 for providing uniform and locker services to Crestwear Uniform Rental Services, for the low bid amount of \$188,047.

This multi-year bid was within budget for the first (partial) year and will be budgeted for in FY92, FY93 and FY94.

- B. Award of Bid No. 60-91 for providing maintenance installation service for the City's radio and communication network to Teltronic, Inc., Silver Spring, at its low bid of \$86,468.06.

This multi-year bid was within budget for the first (partial) year and will be budgeted for in FY92, FY93 and FY94.

- C. Award of \$30,000 Art Commission to Gabriele Schmidt-Heins for Welsh Park and Authorization to Expend \$5,000 for Installation and Site Costs.

Proposals of three Pinneberg artists for artwork for Welsh Park were presented to the Cultural Arts Commission and the Mayor and Council.

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Gabriele Schmidt-Heins' "Raumskulptur" was recommended by the Pinneberg selection panel. The Cultural Arts Commission and staff concur with the recommendation. The budgeted amount is \$35,000.

- D. Motion to Authorize City Manager to execute agreement covering abandonment of existing obsolete sewer and water easement at 1441 W. Montgomery Avenue.

A formal abandonment agreement was prepared by the owner and approved by the City Attorney's Office.

- F. Approval of Wallace H. Campbell & Company, Inc. as management company of Heritage Park Cooperative.

The contract for sale of land for private development of the property dated July 5, 1979, and the Cooperative by-laws stipulate that the selection of the management agent to manage the redevelopment project is subject to the approval of the Mayor and Council of Rockville.

- G. Submission of financial reports summarizing the results of City operations for the period from July 1, 1990 through December 31, 1990.

Re: Introduction of Ordinance to amend the Elections provisions of the Rockville City Code to provide for same day registration for City elections.

These amendments provide that any person eligible to register to vote in any City election may register and vote on the date of the election at City Hall.

Councilmember Hovsepien stated that she had asked to have this item (E) removed from the Consent Agenda as she would like to see all amendments to the elections

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ordinance introduced at the same time and the subject of one public hearing. Mayor Duncan requested that the Board of Supervisors of Elections consider disallowing any PAC contributions for Rockville City elections. Councilmember Coyle noted that proposed changes to the ordinance would be forthcoming within the next couple of weeks.

Mayor Duncan requested that the draft ordinance be amended to include the language suggested by the Board of Supervisors of Elections to clarify that persons who register on election day are deemed registered with the City on that day and that such registration will remain effective until such time as they are placed on the Montgomery County rolls.

Re: Award of art commission for a sculpture for the new outdoor recreational pool to Julio Teichberg in the total amount of \$37,000, as follows: \$3,700 for completion of the design phase of the project and \$33,300 for fabrication and installation phase of the project.

Ken Lechter, Chairperson, Cultural Arts Commission, expressed appreciation to the members of the selection panel: Terry Baker, Recreation and Park Advisory Board; Marilyn Scott, Cultural Arts Commission; Wayne Hughes, Hughes Group Architects and Francoise Yohalem, Art Consultant. He noted that this project is another example of funding consistent with the philosophy of the staff and Cultural Arts Commission that, whenever possible, there is a merger of the 1% Art in Public Architecture program with the Master Plan Art in Public Places Program (\$1 per capita) in order to maximize the amount of funding for any art piece. The artist was involved in the design phase of the pool project and worked closely with the architect and the Art Consultant to ensure compatibility of the sculpture with the pool project. This proposal is recommended to the Mayor and Council for approval by the Cultural Arts Commission, the Pool Advisory Committee and staff.

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A model of the proposal was presented to the Mayor and Council and Francoise Yohalem, City Art Consultant, described the piece in the artist's words. The arch is 30 feet wide and 16 feet high and, together with the ring and zigzag piece, will be fabricated of brightly painted steel and completed with colored cast glass blocks inserted in the structure like a giant jewel. It was designed to be able to withstand climbing and other similar rough activities.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Julio Teichberg was awarded the art commission for a sculpture for the new outdoor recreational pool in the total amount of \$37,000.

Mayor Duncan noted that the Pinneberg sculpture for Welsh Park was approved as part of the Consent Agenda and that he personally requests that, in the future, the Commission look more toward representational art.

Although not the responsibility of the City, Mayor Duncan commented on the deteriorating condition of the mural at the Rockville Metro Center and requested that Mr. Lechter follow up with staff to contact the responsible party regarding this matter.

Re: Report on Existing Shelter
Availability in the City of
Rockville.

Rev. Mansfield Kaseman of Community Ministries of Rockville outlined several primary reasons for the current crisis of homelessness as follows:

- o **Government Policy.** The federal budget for human service programs and low-income housing has been drastically cut since 1980.

- o **Scarcity of Affordable Housing.** The combination of tax law, inflation, greed and improving our housing stock have led to the situation today where the waiting list for the Rockville Housing Authority remains closed which it has been for a year.

- o **Changes in the Economy.** The gap between the rich and the poor has widened significantly during the past decade and, adding the recession and the war, we have good cause to review the plight of the homeless with sharpened pencils.

o **Personal Crises.** Often a serious physical or mental problem is compounded by the lack of costly insurance and absence of medical treatment for the poor. Understanding the real situation, however, would lead to greater compassion and forms of assistance that would help those in crises.

In conclusion, Rev. Kaseman stated that homelessness is not an insolvable problem. It has come about because of government policy, economic changes and personal crisis.

Adrianne Carr, Associate Director of Community Ministries, provided the Mayor and Council with statistics as to the number of shelters and beds available in the City and County. Between FY89 and FY90, four of the five Rockville shelters experienced an increase in the rate of occupancy. Only one shelter had a decrease in population; however, the decrease was beneficial to the facility which still remains over-capacity. Specific homeless issues set forth by Ms. Carr for consideration were:

o **Vulnerability of single women.** There is a constant group of 17-20 women who live on the streets of Rockville for seven months each year. The need for some form of low demand supportive housing for these women is critical.

o **Increased awareness of complexity of homelessness.** Families and individuals in shelters have multiple problems which impede their ability to function adequately in the community. There is a need for more rehabilitation and case work services in combination with housing across the board.

o **Housing options to consider** - Personal living quarters (PLQ) models; low demand supportive housing; accessory apartments; renovation of existing facilities for mixed use.

Discussion followed regarding proposed budget cuts at the State and County levels and their impact on facilities and services for the homeless. It was noted that Social Services has had a three-fold increase in requests for service over the last few months. In response to Councilmember Coyle's question, Ms. Carr advised that the

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percentage of individuals who are able to transition out of the system in any given year is very low primarily because of the lack of detoxification and case management services.

Ms. Carr advised Councilmember Coyle that they will be convening a meeting of caregivers next week and will discuss how the City can be of assistance given the limited resources available elsewhere.

A new concept labeled "Homestart" which links congregations with families in need of housing is off to a good start with the support of a number of volunteers. Essentially, the congregations lease or co-lease a house to provide the extra support that some families need.

Mayor Duncan referenced the 17-20 mentally ill women who have been living on Rockville streets from April 1 through October 31 when the Rainbow Shelter is not operating. At the end of March, there will be a recurrence of the problem and the County needs to be reminded that their assistance is needed.

Rev. Kaseman and Adrienne Carr were thanked for their informative report and were requested to keep the Mayor and Council advised regarding this issue. They were also requested to provide additional information regarding the Homestart program.

Re: Discussion and Instructions
to Staff - Review of Tag Banner
Program.

The City Manager acknowledged that he has been in constant contact with the Rockville Chamber of Commerce President Joseph Whalen in connection with this program and that he has put together some background information consisting of: copies of letters sent to current sponsors, a list of current sponsors, banner scheduling information and financial information; copies of all correspondence regarding the program, log of telephone calls; and all internal and external correspondence since the inception of the program. It was noted that staff has not received any comments from sponsors in response to the recent correspondence other than what is being presented tonight.

With changes having occurred among the parties involved, the record will have to speak for itself. This program was a pioneering venture representing a new level of cooperation with the Chamber of Commerce. Although the concept of a review was always understood, it is acknowledged that there is a dispute and/or misunderstanding over when the review is to take place, that is, one year versus three years.

A recent memorandum from the Recreation and Park Advisory Board indicates the Board's position that the entire program should remain in its present configuration and not be expanded beyond the Town Center. The tag banner program successfully met its objectives, and the program should continue. The Board feels that the program should come closer to supporting its own costs, thus an increase to \$350 annually per banner is suggested so that the income received is more reflective of the costs to the City.

Councilmember Hovsepian asked if the cost to businesses is \$175/year and if they have paid for just one year. She was advised that the Chamber feels that the payment was for three years while it is staff's opinion that the \$175 represented a one-year payment.

Councilmember Robbins expressed concern with the apparent misunderstanding and noted that in the letter to the former Chamber President from the Recreation and Parks Director, it was specifically stated that it is a pilot program. He asked if the intent of staff was for a one year or three year pilot program. Staff responded that the original program was to be a pilot program and run for just one year. It was noted that the origin of the three-year period was related to the physical life of the banners.

The original concept of the tag banner program should have been submitted to the Mayor and Council for adequate review as a public policy issue. Councilmember Robbins further indicated that he has not seen nationally this particular element of commercialization and that perhaps the tag banner program could be used to promote special events rather than businesses. He went on to state that the banner program adds a great deal to the City in terms of aesthetic quality. However, by using City poles

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for advertising, there is a perception that the City is selectively endorsing certain businesses. He would prefer to see something in the nature of a business appreciation effort.

In response to Councilmember Coyle's question as to comments received at City Hall regarding the program, staff indicated that overall the comments have been very positive. The City Manager stated that the negative comments are confined to what was provided to the Mayor and Council. Councilmember Coyle stated that the few verbal comments he had received were negative. It must be emphasized that the business community is not at fault and there should not be any negative aspects accruing to the business community. There appears to be a contradiction in the Mayor and Council position between the tag banner program and the adopt-a-road program. The economics of the situation should be studied and the City should equitably compensate the businesses if the program is not continued, possibly by exploring a buy-out.

Councilmember Hovsepien commented that, as a result of the tag banner program, the City lost its advertising for the Farmers Market on Middle Lane. She would like to see the Farmers Market advertising reinstated should the tag banner program be discontinued. She also noted that the tag banners should have been limited to Town Center as some people were offended to see businesses advertised in front of City Hall. Additionally, the banners themselves should be limited to Town Center as they add to the visual clutter outside of Town Center and detract from the historic district.

While he supports the banner program and feels it improves the overall image of the City, Councilmember Marrinan has received negative comments about the tag banners and agreed with Councilmember Coyle that the Mayor and Council seem to be contradicting themselves with the stance taken on other sign issues. There appears to be a miscommunication with the business community and Chamber, and Councilmember Coyle's suggestion to seek a solution which is equitable to the Chamber members is a reasonable way to proceed.

Councilmember Robbins reiterated the program's potential for enhancing business appreciation in Rockville.

Mayor Duncan indicated that the impetus for the tag banner program was to defray the costs of the regular banners. There apparently was a misunderstanding on the part of the Mayor and Council in this regard inasmuch as what is being charged does not defray the costs. The Chamber rather than the City received the money for this program. Staff responded that the agreement with the Chamber is that they would keep all of the proceeds for the first year of the pilot program and the Chamber would use the money to purchase tag banners.

Mayor Duncan indicated that had the Mayor and Council known early on that these monies were not being used to defray the costs of the program, this discussion would have taken place much sooner. This appears to be an honest mistake which should be resolved. In addition to the concern regarding visual impact of the tag banners, there is also concern about the costs. Some positive comments have been received, but most have been negative. The program cannot be defended by saying it is defraying the costs. He recommended to staff a possible rebate to the participants and requested that staff get together with the Chamber and come up with a recommended solution to this problem. The City Manager confirmed that he will follow up with Mr. Whalen, Chamber President. It was agreed that any ensuing recommendation/solution would be forwarded to all individuals and businesses on the mailing list.

Re: Adoption of Ordinance to amend Chapter 1 of the Rockville City Code so as to permit Chapter 30C, entitled "Towing of Motor Vehicles from Private Property" of the Montgomery County Code to apply within the City of Rockville.

Ordinance No. 4-91

The City Manager noted that this action stems from frustration with towing

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issues in Town Center and indicated that concerns expressed to the City could best be addressed through adoption of the County legislation regarding towing of motor vehicles from private property. This legislation has a regulated fee structure as set by the County Executive and a number of other constraints on towing companies. Mayor Duncan was advised by the City Manager that no comments had been received regarding the proposed adoption of this legislation from individuals who had previously complained. The City Manager also advised that the Town Center Roundtable endorsed this proposal.

Councilmember Coyle noted that the issue of towing itself remains, and asked if any solutions were forthcoming. Mayor Duncan responded that at the next roundtable meeting, there will be a proposal that businesses provide funding for an individual to issue parking tickets rather than towing in the private lots.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Ordinance No. 4-91, the full text of which can be found in Ordinance Book No. 16 of the Mayor and Council was adopted to permit Chapter 30C, Montgomery County Code, to apply within the City of Rockville. The provisions of this ordinance include: establishment of reasonable maximum tow rates; mandate that tow companies accept either a personal check or use of a major credit card in lieu of cash payment; strict requirements for tow companies concerning the location of the impound lot, storage fees and reasonable and prompt redemption; and establishment of a procedure for prompt investigation of citizen complaints regarding towing companies by the Montgomery County Office of Consumer Affairs.

Re: Discussion on possibility of providing interim assistance for dispute resolution to Common Ownership Communities in Rockville while the new County law is under evaluation.

Mayor Duncan referenced staff recommendations to assist the common ownership communities to form an association that would engage in "self help" activities to include

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technical assistance and dispute mediation. He asked staff how they see such a program evolving, and staff advised that the 27 associations would be contacted regarding a meeting to be held at City Hall at which City representatives would determine if the associations would agree to form such an association and help with the initial organization.

Councilmember Coyle referenced the lukewarm response from the associations to the County's legislation and was advised by staff that the concerns expressed by the associations focused on costs. The City's proposal is a non-compulsory, self-help program with no initial cost to participants. Councilmember Coyle noted that it is more in the nature of information sharing rather than an adjudicatory process.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, staff was instructed to proceed according to the recommendations with a review of the County's program and the County's law to be undertaken in a year. Mayor Duncan requested that notification be given to the Mayor and Council of the first meeting date of the associations.

Re: FYI/Correspondence

PARC-IT Program

Councilmember Hovsepian commended staff for the initiation of this program which has been quite successful and encouraged employees to participate.

Wellness in the Workplace Conference

Councilmember Hovsepian commented on the City's proposal being selected for presentation at the annual Wellness in the Workplace Conference in April and commended staff responsible for the success of this program.

Falls Road/Fallsmead Way Intersection

The State Highway Administration has completed its study indicating that a traffic light at this intersection is not justified at this time. Councilmember Marrinan referenced the memorandum from the Traffic Engineer dated January 22, 1991, regarding

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before and after traffic volumes. This report indicates that once Ritchie Parkway is completed, there will be a significant impact on a number of intersections. Somewhere in our planning we need to reassess the need for a traffic signal at this intersection.

Councilmember Coyle asked if any particular problems had been experienced since the opening of the Falls Road interchange and inquired as to the accident rate. The City Manager advised that information would be provided to the Mayor and Council. The report indicates that the volume of traffic on Falls Road between I-270 and Ritchie Parkway has increased by 92%; however, there has been only a 3% increase in traffic volume on Fallsmead Way from Falls Road to Watts Branch Parkway.

Mayor Duncan requested that the City Manager publicize the excellent report, noting that the traffic on Rockville Pike has decreased and there is now better distribution of traffic on major roads throughout the Rockville area.

Letter from Principal of Julius West Middle School

Mayor Duncan commended Rockville Swim Center employees Dave Greene, Carey Apple, Mark Eldridge and Becky Herzog for their handling of an accident which occurred at the Swim Center.

Re: New Business

Councilmember Coyle asked if, as of last Friday, the signal change at Falls Road and Maryland Avenue was in place as promised. The City Manager responded that information will be provided to the Mayor and Council.

With respect to the memorandum received from the Advisory Commission on Public Education regarding a public lecture series on education topics, Mayor Duncan asked if they should be directed to proceed. It was agreed that this was an excellent idea and that the Commission should proceed. The source of any necessary funding would be the Targets of Opportunity account.

Mayor Duncan stated that the County Executive is preparing to recommend that the City be placed in the consolidated fire tax district, thereby abolishing Rockville's

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fire tax district which would result in an increase of 10 to 12 cents in the tax rate for all Rockville residents. The City Manager responded that staff is getting information together for a response. Mayor Duncan indicated that the City needs to start working very hard and quickly to fight this major tax increase with no attendant increase in services for residents. Citizens should be called on to help fight this proposal in conjunction with the efforts of the Rockville Volunteer Fire Department.

Councilmember Coyle noted the need to involve the business community as they, too, will be heavily impacted by the proposal. There should be some indication from the County as to whether they would be willing to hold the line on taxes for the business community which support retrofit. Mayor Duncan responded that the Chamber has already sent a letter to the County voicing opposition to this impending legislation.

Councilmember Coyle commented that the City may wish to explore the possibility of establishing its own fire department if such legislation is adopted.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 9:50 p.m., to convene again in Worksession at 7:30 p.m. on February 4, 1991, or at the call of the Mayor.